IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1697 OF 2006

Cumballa Hill Hospital & Heart Institute. ...Petitioner.
Vs.
Mumbai Labour Union & Ors. ...Respondents.
....
Mr. A. D. Shetty for the Petitioner.
Mrs.N. P. Karnik for Respondent No.1.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

August 14, 2006.

P.C.

At the hearing of the Petition, Counsel appearing on behalf of the Petitioner states that the Petitioner seeks leave to withdraw the affidavit in lieu of the Examination-in-Chief of Dr.K. R. Shetty that was tendered on behalf of the Petitioner in the Complaint pending before the Industrial Court. Permission to do so is granted. Counsel appearing on behalf of the Petitioner states that a fresh affidavit complying with Order 19 of the Code of Civil Procedure, 1908 shall be filed containing such statements as are true to the personal knowledge of the deponent. The Industrial Court upon such affidavit being filed will be at liberty to deal with the same in accordance with law having regard to the judgment of

the Supreme Court in **Ameer Trading Corporation Ltd. vs. Shapoorji Datta Processing Ltd.**, AIR 2004 SC 355. In order to facilitate the withdrawal of the affidavit of Dr.Shetty which is placed on the record and to enable the Petitioner to file a proper affidavit in lieu of the Examination-in-Chief, the impugned order dated 6th October 2005 is quashed and set aside. The petition is accordingly disposed of. .....